IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 451 OF 2006

IN

MISC.CIVIL APPLICATION NO. 660 OF 2004

MR. VISHNU P.CHARI AND ORS., ...Applicants

Versus

SHRI ATMARAM BABI CHARI(DEC.)THROUGH L.RS., ...Respondents

Mr. R. Menezes, Advocate for the applicants.

Mr. R. G. Ramani, Advocate for respondents No.1(a) to 1(g),5,7,8,10, 23(c) and 23(d) & 24.

Coram:- P.V. KAKADE, J.

Date:- 7th November, 2006

P.C.

Heard learned Counsel for both the parties. Perused the record. This is an application making two prayers, firstly, it seeks to set aside the order dated 25.5.2006 passed by the Registrar dismissing the second appeal as against respondents No.23(c) and 23(d) consequent to the order passed by the Court dated 13.4.06 whereby the applicants were direced to take steps to serve the said respondents within a period of three weeks, failing which the second appeal as against the unserved respondents was directed to stand dimissed without reference to the Court. The prayer in this application also consists of extension of time to take steps to serve respondents No.23(c) and 23(d). The Advocate for the applicants makes a statement that he has already taken steps to serve the said respondents in this application.

2. In view of the facts and circumstances as contained in the

application, I am of the view that this is a fit case to set aside the order of dismissal on certain condition. Hence, the application is made absolute in terms of prayer clauses (a) and (b) on condition that costs of Rs.500/- shall be donated to the State Legal Services by the applicant within a period of two weeks. The condition precedent. The applicants are also to take steps to serve respondents 23(c) and 23(d) in the second appeal, within two weeks, failing which the matter shall stand dismissed as against the said respondents, without reference to the Court.

P.V. KAKADE, J.

ssm.